

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED

November 23, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: lad DEPUTY

KAREN ADAMS, ANDREW BROWN §
PATRICIA CARROLL, JANET HELM, §
DAVID JUSIEWICZ, §
JERRY MONROE, LOUIS PIENAAR, §
PAT PIKE, NANCY REED, AND §
ZACH G. WALTON §

PLAINTIFFS §

V §

FOSSIL RIM WILDLIFE CENTER §
AND KELLY SNODGRASS §

INDIVIDUALLY AND SEVERALLY §

DEFENDANTS §

6:21-cv-01218

JURY TRIAL REQUESTED

PLAINTIFF'S COMPLAINT

AGE DISCRIMINATION IN EMPLOYMENT ACT

COMES NOW Karen Adams, Andrew Brown, Patricia Carroll, Janet Helm, David Jusiewicz, Jerry Monroe, Louis Pienaar, Pat Pike, Nancy Reed, and Zach G. Walton, Plaintiffs, by and through their attorney, William A. Walsh, and respectfully would show the following to this Honorable Court:

I. PARTIES

1. Plaintiffs, Karen Adams, Andrew Brown, Patricia Carroll, Janet Helm, David Jusiewicz, Jerry Monroe, Louis Pienaar, Pat Pike, Nancy Reed, and Zach G. Walton bring this cause of action pursuant to the Age Discrimination in Employment Act, 29 U.S.C. §623 and all worked

for Fossil Rim Wildlife Center in Somervell County, Texas.

2. Defendant, Fossil Rim Wildlife Center, is a 501(c)3 nonprofit entity and may be served through their registered Agent for service of process to Pamela Adams, 2155 County Road 2008, Glen Rose, Texas 76043.

3. Defendant, Kelly Snodgrass is the Executive Director of the Fossil Rim Wildlife Center and may be served with process at 2155 County Road 2008, Glen Rose, Texas 76043.

4. It may be necessary, depending on responsive pleadings by Defendants, to join all members of the Executive Board of Directors of the Fossil Rim Wildlife Center.

II. JURISDICTION

5. Subject Matter Jurisdiction is appropriate in the United States District Court, Western District of Texas, Waco Division in Waco, Texas, as all of the facts regarding all of the Plaintiffs giving rise to this lawsuit occurred in Somervell County, Texas, which is within the jurisdiction of the United States District Court, Western District of Texas, Waco Division, Waco, Texas.

III. CONDITIONS PRECEDENT

6. Complainants have satisfied all conditions precedent in that they have all filed a complaint for Age Discrimination with the Texas Commission for Human Rights/Equal Employment Opportunity Commission and have all received a Right to Sue letter, (See Exhibits 1 through 10, attached).

IV. INTRODUCTION

7. On March 30, 2020 Fossil Rim Wild Life Center furloughed approximately 29 employees from April 6, 2020 through May 31, 2020. On May 1, 2020, approximately the same number of

employees were terminated. Of the approximate 29 employees terminated, 72% were over the age of 40 or approximately, 21 people as follows:

Andrew Brown	Karen Adams
Angela Gresham	Linda Lowry
Caroll Carpenter	Louis Pienaar
Carrie Albrecht	Mark Phillips
Cheryl Joslin	Mary Doebling
Cruz Espino	Nancy Reed
Gary Robinson	Pat Pike
Zach G. Walton	Patricia Carroll
Janet Helm	Steve Johnson
Jerry Lumpkins	Tammy Briggs
Jerry Monroe	

8. Of the 21 employees that were terminated, 10 employees have all filed complaints with the Texas Commission on Human Rights/Equal Opportunity Commission as follows:

Karen Adams	Jerry Monroe
Andrew Brown	Louis Pienaar
Patricia Carroll	Pat Pike
Janet Helm	Nancy Reed
David Jusiewicz	Zach G. Walton

9. Of the 10 Plaintiffs who were terminated, all applied for and received unemployment compensation. Of the ten Plaintiffs who filed discrimination complaints under the Age Discrimination Employment Act (ADEA), all were over the age of 40. Of the 10 Plaintiffs who were terminated and filed complaints, all were replaced with employees under the age of 40 doing substantially the same job as the terminated employees. In all cases, upon information and belief Kelly Snodgrass made the decision to terminate all Plaintiffs.

V. ARGUMENT

10. All Plaintiffs, were over the age of 40 and thus members of a protected class. All

Plaintiffs were qualified to do the job from which they were terminated. Karen Adams was replaced by Jennifer Smith and/or Kristen Culp and/or Alice (lnu), both under the age of 40. Andrew Brown was replaced by Daniel Branum and/or Trent Sandlin and/or Richard Freeman, all under the age of 40. Patricia Carroll was replaced by Kaylee Smith Robertson, under the age of 40. Janet Helm was replaced Rebecca Jones and/or Kelsey McCarron, all under the age of 40. David Jusiewicz was replaced by Rick (lnu), under the age of 40. Jerry Monroe was replaced by Daniel Brown, and/or Trent Sandlin, both under the age of 40. Louis Pienaar was replaced by Daniel Branham, under the age of 40. Pat Pike was replaced by Carolyn Hart, under the age of 40. Nancy Reed was replaced by Kelsey McCameron, and/or Rebecca Jones, both under the age of 40. Zach G. Walton was replaced by Alice (lnu), under the age of 40.

11. The employer's decision to terminate all 10 employees, had a disparate impact on all Plaintiffs. The employer's practice/policy regarding the termination of all ten Plaintiffs fell disproportionately on the protected group. Plaintiffs assert that the employer's violations of the ADEA were willful. The Defendants should have known or suspected that its actions might violate the ADEA. Moreover, Defendants should have been cognizant of an appreciable possibility that the Plaintiffs involved were covered by the statutory provisions of the ADEA. The Defendants knew or showed reckless disregard for the matter of whether its conduct was prohibited.

VI. DAMAGES

12. Plaintiffs would assert all Plaintiffs right to re-employment with all other remedies provided for by law. Plaintiffs assert damages for back pay, front pay, liquidated damages, prejudgment interest on any back pay award, costs of court, and reasonable attorney fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, upon jury trial of this matter, plead for judgement against the Defendants for the following:

- a. General Damages in the amount to be determined at the time of trial;
- b. Punitive Damages in an amount to be determined at the time of trial;
- c. Reasonable attorney's fees and costs of suit;
- d. Prejudgment and postjudgment interest.

And all other general and special relief, whether at law or in equity as the Court may deem necessary or proper to which the Plaintiff may be justly entitled.

Respectfully submitted to the Honorable Court this 22nd day of November, 2021.

Respectfully submitted,



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